



NEW YORK EMPLOYER ALERT

- New York Repeals WTPA's Annual Wage Notice Requirement
- Minimum Wage Raises To \$8.75 Per Hour For Non-Exempt Workers and \$656.25 Per Week For Exempt Workers/ No Increase In Tipped Non-OT Minimum Wage For Now

NY Repeals the WTPA's Annual Wage Notice Requirement

New York Governor Cuomo signed into a law a bill amending the Wage Theft Prevention Act, doing away with the onerous administrative requirement that employers provide annual wage notices and obtain employee acknowledgements yearly between January 1 and February 1. With this change, the DOL will not enforce the annual notice requirement for 2015 and beyond. However, all employers still must issue the form and obtain signed acknowledgments from new employees and when wage rates or other WTPA-required information changes.

Therefore, employers must still provide pay notices to:

- All new employees at time of hire;
- Anytime an employee's pay changes;
- Before February 1, 2015 for all employees who were paid less than \$8.75 per hour in 2014 (including tipped employees for whom the employer takes a tip credit).

New York Minimum Wage Increases to \$8.75 an hour

Effective, December 31, 2014, the minimum wage in New York increased to \$8.75 per hour for non-exempt employees, and \$656.25 per week for exempt employees.

The minimum hourly pay for tipped food service workers remains at \$5.00 per hour because the tip credit was raised \$3.75. However, the change in the tip credit results in an increase of the minimum overtime rate for tipped employees to \$9.38 for food service workers.

Finally, because the minimum wage has increased to \$8.75 per hour, the required spread of hours payment also increased. Accordingly, an employee covered by the Hospitality Wage Order that has a spread of hours exceeding 10 in one work day is now entitled to an extra payment of \$8.75 in addition to the wages that he or she earned that day.

If you have questions or would like additional information, please contact Amanda M. Fugazy (afugazy@egsllp.com), Paul P. Rooney (prooney@egsllp.com), Valerie J. Bluth (vbluth@egsllp.com) or the primary EGS attorney with whom you work.

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THE EMPLOYMENT PRACTICE GROUP

Amanda M. Fugazy, Esq.

Paul P. Rooney, Esq.

Valerie Bluth, Esq.

Allison Vieyra, Paralegal

1345 Avenue of the Americas, New York, NY 10105

Telephone: (516) 801-8139/(212) 370-1300

afugazy@egsllp.com | www.egsllp.com